

**REMARKS/ARGUMENTS**

On pages 2-11 of the Office Action, the Examiner rejected the pending claims under 35 U.S.C. 102(b) as being anticipated by Kanaya et al. (U.S. 5,650,675) or under 35 U.S.C. 103(a) as being obvious in view of Kanaya et al.

Kanaya et al. discloses a vehicle alternating current generator that increases the flow of cooling air therethrough and reduces whizzing sounds from cooling windows surrounding the generator's fan. This is done by inclining guide walls separating the cooling windows so that the angle of inclination thereof in the radial direction of the generator is larger the closer the windows are to the forward edge of the housing supports and smaller the closer the windows are to the backward edge of the housing supports. Also, the cooling windows narrow the closer they are to the supports, and are widest in the middle between two adjacent supports. Further, the axial length of the windows may be shorter the closer they are to the supports, and longer in the middle between two adjacent supports

Applicant respectfully directs the Examiner's attention to Fig. 7 of the Kanaya et al. reference. Fig. 7 of the reference clearly show that the fins or wall parts 7 are not inclined or angled at an angle greater than zero with respect to a longitudinal direction. As shown in Kanaya et al.'s Fig. 2, the walls 7 are angled relative to a radial direction, but not the longitudinal direction, as is clear from Kanaya et al.'s Fig. 7. As understood, Applicant believes that the fins or wall parts 7 (Fig. 7) in the cited reference are not angled at all with respect to the longitudinal direction. Consequently, the fins or wall parts 7 cannot sweep across the radial fin according to its profile while turning about the rotary shaft in a shearing movement as recited in Applicant's independent claims 1 and 11.

In this regard, Applicant respectfully directs the Examiner's attention to Applicant's Fig. 2 and 3 which clearly show an opening 80 subdivided by fins 90. Applicant respectfully directs the Examiner's attention to the following Fig. 2:

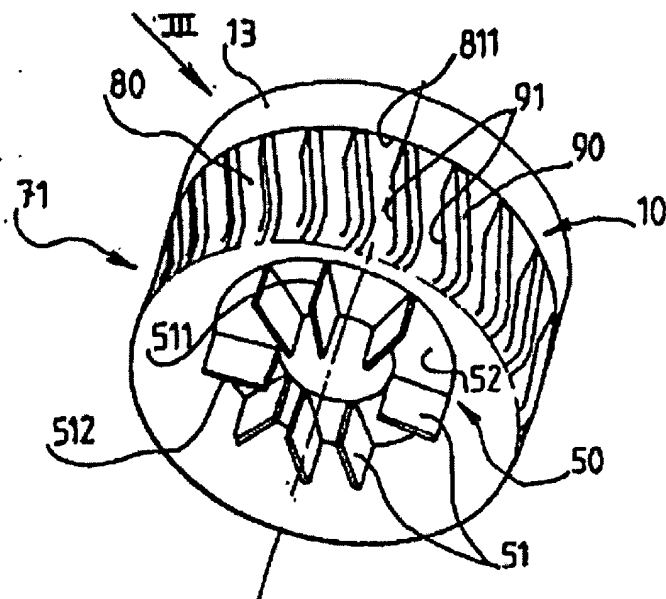


FIG. 2

Note that the opening 80 is defined by fins 90 and at least one of these fins are angled at an angle greater than zero with respect to the longitudinal axis. At least one of the fins 90 of at least one of the radial ports 71 is inclined such that the edges of the blades 51 facing the ports sweep gradually across the at least one fin 90 while rotating about the rotary shaft in a shearing movement. These limitations are recited in Applicant's independent claims 1 and 11. The independent claims 1 and 11 further recite and require that only one substantially point-shaped portion of the edge of the blade 51 is opposite the at least one fin.

Again, when comparing the independent claims 1 and 11 to the cited reference, the cited reference fails to teach of any angular relationship of at least one fin that is greater than zero with respect to the longitudinal direction which is required to provide the shearing movement referred to in the independent claims 1 and 11.

Moreover, the Examiner mentioned regarding some of the claims that it would have been an obvious matter of design choice to modify the fins to have various shapes or profiles, such as a curved profile or the other profiles recited in claims 7-9. The Examiner mentioned that the motivation for such a change of the fins would be based

on parameters of space, location of fins with respect to the stator, increased flow of cooling air and the like. Even assuming that the problems the Examiner cited would motivate a skilled artisan to change the designs of the fins or wall parts 7 of Kanaya et al. so substantially, Applicant respectfully submits that such design changes to the Kanaya et al. reference would require substantial engineering changes and may disrupt the flow quantity achieved by the design in the reference. In other words, simply changing the shape of the housing or fins or wall parts 7 in Kanaya et al. may interrupt or reduce the desired flow quantity achieved as the rotational speed in Kanaya et al. increases. Determining and simply changing the shape of the fins or wall parts 7 in Kanaya et al. would require substantial engineering and testing in order to ensure improvement of flow and not degrade the performance of the Kanaya et al. reference.

Further, even assuming for the sake of argument that it would be obvious to interpret or modify the Kanaya et al. reference as suggested by the Examiner, the resultant interpretation and modification would still fail to teach of the progressive sweep across the at least one radial fin that causes the shearing movement and that also provides at each instant only one substantially point-shaped portion of the edge of the blade opposite the fin as recited in Applicant's independent claims 1 and 11.

For all the foregoing reasons and in view of the claims 1 and 11 as now presented, Applicant believes that the claims are neither anticipated by nor obvious in view of Kanaya et al.

Claims 2-10 and 12-20 depend either directly or indirectly from independent claims 1 and 11, respectively. For the reasons discussed relative to claims 1 and 11, Applicant believes that these are neither anticipated by nor obvious in view of the Kanaya et al. reference.

**APPLICANT RESPECTFULLY REQUESTS AN INTERVIEW WITH THE EXAMINER IS THIS AMENDMENT DOES NOT PLACE THIS CASE IN CONDITION FOR ALLOWANCE.**

Serial No. 10/597,923  
Examiner: Naishadh N. Desai  
Response to Office Action Mailed 04/28/2008  
Docket: VAL 223 P2 – MFR 0204 PCT

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1287. Applicant hereby provides a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to Deposit Account No. 50-1287.

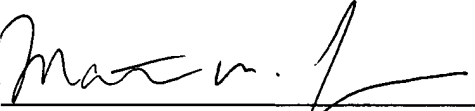
Applicant is filing concurrently under separate cover a request for a one month extension of time.

Applicant invites the Examiner to contact the undersigned via telephone with any questions or comments regarding this case.

Favorable action on the merits of the application is respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By   
Matthew R. Jenkins  
Reg. No. 34,844

2310 Far Hills Building  
Dayton, Ohio 45419-1575  
Telephone 937: 298-2811

August 28, 2008

MRJ:tlf